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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,147	09/24/2003	Mahendra Madhukar Patil	132071	4557
6147	7590	02/13/2008		
GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309			EXAMINER STINSON, FRANKIE L	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 02/13/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20, 21, 24-27 and 29-32, 36, 37 and 40-42 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Han (U. S. Pat. No.6,241,781), Urban (U. S. Pat. 3,335,584) or Tafel, Jr. (U. S. Pat. 1,979,504).

Re claims 20 and 36, note that Han, Urban and Tafel are each cited disclosing a fluid-dispenser device (37 in Han, 52 in Urban and 22 in Tafel) for a washing machine having a wash basket (21 in Han, 24 in Urban and 13 in Tafel) rotatable about a vertical axis and, defining radii extending in a horizontal plane relative to a circumference in correspondence with respect to said wash basket, the device comprising:

at least two ports (43a in Han, 90 in Urban and 25 in Tafel) positioned along a common radius and on a common horizontal plane to direct respective jets of fluid into a wash basket, each of the jets having a generally parallel relationship with respect to one another. Re claims 21 and 37, Han, Urban and Tafel each disclose the exit velocity. Re claim 24 and 32, Han, Urban and Tafel each disclose the at least two adjacent outlet ports on a common radius. Re claims 25, 26 and 29, Han discloses the multiple sets. Re claims 27, 30 and 31, Urban discloses the ring and the same being branched (as at 75, 72, 74). Re claim 40, Tafel and Urban disclose the relative motion. Re claim 41,

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Tafel discloses the jet as claimed. Re claim 42, Han and Urban disclose the cycles as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 23, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Urban or Tafel, Jr. in view of either Stantiz et al. (U. S. Pat. No. 2,543,993) or Kendig (U. S. Pat. No. 1,832,560).

Claims 22, 23, 38 and 39 define over the applied prior art only in the recitation of the exit angle as claimed. Stantiz (col. 12, lines 32-41) and Kendig (col. page 3, lines 103-109) are each cited disclosing the exit angle as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Han, Urban or Tafel, to include the exit angle as taught by either Stanitz or Kendig, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

5. Claim 28 is are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 20 and 36 above, and further in view of either Holden (U. S. Pat. No. 2,161,047) or Beach (U. S. Pat. No. 2,570,021).

Claim 28 defines over the applied prior art only in the recitation of the ring being segmented. Beach and Holden each disclose the segmented ring as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the

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arrangement Han, Urban or Tafel, to have the ring segmented as taught by either Holden or Beach, for the purpose for allowing for easy installation.

6. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Urban or either Tafel, Jr.

Claims 34 and 35 define over the applied prior art only in the recitation of the controller being configured as claimed. Nonetheless, to have the controller/processor configured as claimed is of little patentable weight in that a controller/processor has many possible control scenarios and with the proper programming, the controller of Han, Urban of Tafel is clearly capable of functioning/operating as claimed

APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART

>While features of an apparatus may be recited either structurally or functionally, claims<directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. >In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429,1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971);< In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). " [A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).

MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART

A claim containing a " recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed

apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim

1 recited that the apparatus was " for mixing flowing developer material" and the body of the claim recited " means for mixing ..., said mixing means being stationary and completely submerged in the developer material" . The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

7. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Urban or Tafel, Jr. in view of either Orszulik (U. S. Pat. No. 7,146,669).

Claim 42 defines over the applied prior art only in the recitation of the rinse cycle as claimed. Orszulik is cited disclosing the rinse cycle as claimed (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Han, Urban or Tafel, to include the rinse cycle as taught by Orszulik, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

8. Claims 20-22, 24-26, 29, 32-37, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Franklin (U. S. Pat. No. 2,054,797) or Pastryk et al. (U. S. Pat. No. 4,986,093) in view of Van Dornick (U. S. Pat. No. 2,635,447, hereinafter "Dornick").

Re claims 20 and 36, Franklin and Pastryk are each cited disclosing a fluid-dispenser device (128 in Franklin and 41 in Pastryk) for a washing machine having a wash basket (98 in Franklin and 25 in Pastryk) rotatable about a vertical axis and, defining radii

extending in a horizontal plane relative to a circumference in correspondence with respect to said wash basket, the device comprising:

a port (128 in Franklin and 41 in Pastryk) positioned along a radius that differs from the claim only in the recitation of the at least two ports on a common radius on a common horizontal plane to direct respective jets of fluid into a wash basket, each of the jets having a generally parallel relationship with respect to one another. Dornick is cited disclosing the arrangement of providing in a washing machine the at least two ports (26) on a common radius on a common horizontal plane to direct respective jets of fluid into a wash basket, each of the jets having a generally parallel relationship with respect to one another. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Franklin, to substitute for the plurality of tangential outlets (128) in Franklin, tangential outlets as taught by Dornick, since this is considered to a mere substitution of equivalents (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE). It also would have been obvious to one having ordinary skill in the art to modify the nozzle (41) in Pastryk, to be as taught by Dornick, since Pastryk discloses that the nozzle "may be any other type" (col. 3, lines 40-46). Re claims 21 and 22, 37, Dornick discloses the velocity and angle. Re claims 24-26, 29, 32, and 41 Dornick discloses the adjacent nozzles. Re claims 33 and 40, Franklin and Pastryk disclose the relative motion. Claims 34 and 35 define over Franklin and Pastryk only in the recitation of the controller being configured as claimed. Nonetheless, to have the controller/processor configured as claimed is of little patentable weight in that a controller/processor has many possible control scenarios and with the proper

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programming, the controller of Franklin and Pastryk is clearly capable of functioning/operating as claimed

APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART

>While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. >In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); < In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). " [A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).

MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART

A claim containing a " recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim 1 recited that the apparatus was " for mixing flowing developer material" and the body of the claim recited " means for mixing ..., said mixing means being stationary and completely submerged in the developer material" . The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

Re claims 42, Franklin and Pastryk disclose the rinse cycle.

9. Claims 23, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 20 and 36 above, and further in view of either Stantiz et al. (U. S. Pat. No. 2,543,993) or Kendig (U. S. Pat. No. 1,832,560).

Claims 23, 38 and 39 define over the applied prior art only in the recitation of the exit angle as claimed. Stanitz (col. 12, lines 32-41) and Kendig (col. page 3, lines 103-109) are each cited disclosing the exit angle as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of either Franklin or Pastryk, to include the exit angle as taught by either Stanitz or Kendig, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

10. Claim 27, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 20 and 36 above, and further in view of Urban (U. S. Pat. No. 3,335,884), Holden (U. S. Pat. No. 2,161,047) or Beach (U. S. Pat. No. 2,570,021).

Claim 27, 28, 30 and 31 defines over the applied prior art only in the recitation of the ring being segmented, single-piece and/or branched as claimed. Urban, Beach and Holden each disclose the ring as instantly claimed in claims 27, 28, 30 and 31. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement Franklin or Pastryk, to have the ring to be as taught by either Urban, Holden or Beach, for the purpose for allowing for easy installation.

11. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Franklin or Pastryk in view of either Orszulik (U. S. Pat. No. 7,146,669).

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Claim 43 defines over the applied prior art only in the recitation of the rinse cycle as claimed. Orszulik is cited disclosing the rinse cycle as claimed (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Franklin and Pastryk, to include the rinse cycle angle as taught by Orszulik, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Groff, note the outlets.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1792